



DEPARTMENT OF PUBLIC SAFETY
INTRA-DEPARTMENTAL CORRESPONDENCE



DATE: AUGUST 24, 2015

FROM: CHIEF PETE N. KASSETAS
DEPUTY SECRETARY - OPERATIONS

TO: ALL COMMISSIONED PERSONNEL

SUBJECT: DIRECTIVE 2015-04 ELECTRONIC PROOF OF INSURANCE

The purpose of this directive is to address how to handle proof of insurance on electronic devices.

The following statutes address vehicle insurance requirements and methods in which proof of insurance can be given:

State statute 66-5-205 Vehicle must be insured or owner must have evidence of financial responsibility.

A. No owner shall permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the person is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

State statute 66-5-218 Alternate methods of giving evidence.

Evidence of financial responsibility, when required under the Mandatory Financial Responsibility Act, may be given by filing:

A. evidence of a motor vehicle insurance policy.

State statute 66-5-208 Evidence of Financial Responsibility.

"Evidence of financial responsibility," as used in the Mandatory Financial Responsibility Act, means **evidence of the ability to respond in damages for liability**, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico.

This "evidence" may come in the form of an insurance card or policy, in hard copy or digital format.

Effective immediately, when presented with *electronic* proof of vehicle insurance, the officer should ask the driver, or a passenger, to hold the device for the officer to read the document. If this is not reasonable, or the document is unreadable, the officer may hold the device. The officer should review the document while still in the presence of the driver, and return the device to the driver as soon as he/she is finished looking at the document. Under no circumstances, shall the officer take the device out of immediate sight from the driver.

Thank you in advance for your attention and compliance with this directive.

PNK/cmm